IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.3465 OF 2002
IN
INCOME TAX APPEAL (L) NO.1032 OF 2002

The Commissioner of Income-tax,
Central II, Mumbai .. Appellant.
V/s.
M/s.Mazda Packaging Ltd. .. Respondent.

Mr.A.S. Rao i/b. Mr.G.C. Mishra for the appellant.

CORAM : V.C. DAGA &
J.P. DEVADHAR, JJ.

DATED : 26TH SEPTEMBER, 2005.

P.C. :

1. On the motion made by the learned counsel appearing for the revenue, he is allowed to withdraw the notice of motion seeking condonation of delay.

2. In view of withdrawal of the notice of motion seeking condonation of delay, the appeal would not survive. In that view of the matter it would be open for the revenue to apply for refund of court fee as per rules.

(V.C. DAGA, J.)

(J.P. DEVADHAR, J.)